

The novel question of whether video games that depict criminal acts constitute a danger to the public may remain unanswered in Suffolk County. A California video game manufacturer, American Multiple Industries, has dropped a Federal civil rights suit against the County Legislature for saying as much in a resolution passed in November.

The suit, maintaining that the resolution had a chilling effect on the manufacturer's free-speech rights, sought \$10 million from Democratic Legislator Phillip Nolan of Islip, a sponsor, and \$1 million from the rest of the 18-member Legislature.

The manufacturer also asserted that the resolution caused video game retailers to refrain from ordering "Custer's Revenge," a video game it marketed. Mr. Nolan said the game, which was mentioned in the resolution, depicted the rape of an Indian woman by a figure resembling General Custer. The game, which has since been removed from the market by a second California company that purchased rights to it, was apparently never offered for sale in the county.

Martin Ashare, senior assistant county attorney, said that the manufacturer may have decided to back off after the county applied to Federal Judge Mark Cosantino to recover legal expenses incurred by the county from the manufacturer if the suit failed. "I think they realized the suit was without merit," Mr. Ashare said of the manufacturer.

Mr. Nolan said he was "relieved and also vindicated," but no closer to eliciting a proposed law from the County Attorney's Office to regulate video games depicting criminal acts. "I've done what I could," he said. ■